

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RICKKE L. GREEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-666-R
)	
DAN REYNOLDS, et al.,)	
)	
Defendants.)	

ORDER

Mr. Green filed this action by filing a Complaint/Petition.¹ He seeks relief under 42 U.S.C. § 1983 and 28 U.S.C. § 2254, because his constitutional rights allegedly have been violated and because his continued confinement violates the United States Constitution. The matter was referred to United States Magistrate Judge Shon Erwin for preliminary review, and on June 26, 2015, Judge Erwin issued a Report and Recommendation wherein he recommended that Mr. Green's Application for Leave to Proceed *In Forma Pauperis*, Doc. No. 7, be denied and that the action be dismissed unless Mr. Green pays the full filing fee within 20 days of any order adopting the Report and Recommendation. Mr. Green has filed an objection to the Report and Recommendation, giving rise to the Court's obligation to conduct a *de novo* review of any issue to which he makes specific objection. The Court has done so and hereby ADOPTS the Report and Recommendation in light of the prior dismissal

¹ Plaintiff seeks both relief under 42 U.S.C. § 1983 and habeas corpus relief under § 2254 and denoted himself as "Petitioner-Plaintiff." Thus, the Court has given the originating document dual characterization. Report and Recommendation, Doc. 11, p. 1. Since his initial pleading Plaintiff has filed a number of supplemental complaints, the most recent entitled the "Eleventh Supplemental Complaint." Docket Numbers 19, 20, 21, 26, 30, 33, 34 and 37 are hereby STRICKEN as they were filed without leave of Court and in violation of Federal Rule of Civil Procedure 15.

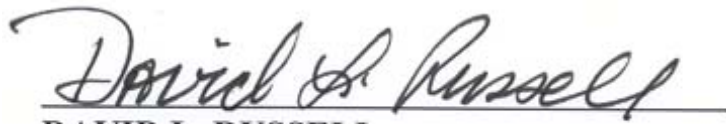
of more than three cases filed by Mr. Green when proceeding *in forma pauperis*. Furthermore, it is apparent from Mr. Green's repeated supplemental filings, which have attempted to add multiple defendants, including the undersigned and other judges from this District, the Tenth Circuit, and the Supreme Court of the United States, and various courts in Oklahoma that Plaintiff's allegations are unlikely to avoid dismissal as frivolous in this action.² Mr. Green's Motion to Separate and File Petition for Writ of Habeas Corpus is GRANTED, and the Court will permit him to file a separate action and this case, Case No. CIV-15-666-R shall proceed, following payment of fees, solely as civil case challenging Plaintiff's conditions of confinement.³ The Court further finds, contrary to Plaintiff's arguments, that he has not established the existence of imminent danger of serious physical harm such that he may avoid the three-strike rule set forth in 28 U.S.C. § 1915(g) and payment of fees in this action.

Plaintiff shall pay the \$400.00 filing fee not later than August 31, 2015. The Report and Recommendation is hereby ADOPTED. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* is DENIED (Doc. No. 7), as is his Motion to Disqualify (Doc. No. 13). All remaining motions are held in abeyance pending payment of the filing fee. Failure to tender the filing fee will result in dismissal without further notice from the Court.

² Mr. Green filed a motion seeking to disqualify the undersigned and all Oklahoma federal judges from presiding over this case. (Doc. No. 13). The motion is DENIED because Mr. Green lacks any factual basis for concluding that the undersigned is "the worst, most biased judge in Oklahoma history." *Id.* He states no legitimate basis for excluding the judges of this Court from consideration of his claims.

³ It is not apparent from Doc. 27 that Petitioner wishes to file a separate petition, however, in light of his prior filings, the Court declines to attempt to extract the habeas corpus arguments from the § 1983 arguments he presents.

IT IS SO ORDERED this 6th day of August, 2015.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE